

107TH CONGRESS
1ST SESSION

H. R. 2831

For the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2001

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

For the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) In 1996, Donald Bickerstaff, after posing
6 as a financial planner, absconded with a total of
7 \$11,808,931.87 that he had fraudulently obtained
8 from certain investors, including—

9 (A) Patricia and Michael Duane of
10 Kenwood, California;

1 (B) Gregory Hansen of Mill Valley, Cali-
2 fornia;

3 (C) Mary Pimental of Napa, California;

4 (D) Randy Ruiz of San Rafael, California;

5 (E) Elaine Schlinger of San Anselmo, Cali-
6 fornia; and

7 (F) Gerald Whitaker of Napa, California.

8 (2) Donald Bickerstaff was subsequently ar-
9 rested and tried, convicted in 1998 of defrauding
10 more than 50 people, and ordered to pay restitution
11 to his victims by the United States District Court
12 for the Northern District of California (United
13 States v. Bickerstaff, No. CR97-0332-FMS).

14 (3) The United States Attorney for the North-
15 ern District of California and the Federal Bureau of
16 Investigation conducted two assets seizures from
17 Donald Bickerstaff to effect restitution on behalf of
18 those he defrauded.

19 (4) The first assets seizure, which occurred in
20 July 1999, consisted of automobiles and personal
21 property and produced \$121,000 in proceeds, which
22 was distributed proportionately to all the victims
23 based on their losses.

24 (5) The second assets seizure, which occurred
25 in October 1999, consisted of 70 racehorses and pro-

1 duced \$300,000 in proceeds, which was distributed
2 proportionately to the victims based on their losses,
3 except that the seven individuals identified in para-
4 graph (1) were excluded from this restitution.

5 (6) These seven individuals submitted the prop-
6 er paperwork, but through no fault of their own, it
7 never reached the appropriate office within the De-
8 partment of Justice.

9 (7) The Department of Justice has been unable
10 to withdraw funds from the Department of Justice
11 Assets Forfeiture Fund in order to make restitution
12 to these individuals who were improperly denied res-
13 titution paid from the proceeds of the second assets
14 forfeiture sale.

15 (b) PURPOSE.—The purpose of this Act is to fairly
16 compensate the seven individuals denied restitution out of
17 the funds from the second assets forfeiture sale by ensur-
18 ing they receive the payment they would have received if
19 their paperwork had been properly processed by the De-
20 partment of Justice.

21 **SEC. 2. PAYMENT FROM DEPARTMENT OF JUSTICE ASSETS**
22 **FORFEITURE FUND.**

23 The Attorney General shall pay, out of the Depart-
24 ment of Justice Assets Forfeiture Fund established under
25 section 524(c) of title 28, United States Code, to each of

1 the individuals identified in section 1(a)(1) the sum each
2 such individual would have received if the Department of
3 Justice had properly processed such individual's claim for
4 restitution out of the funds of the second assets forfeiture
5 sale (referred to in section 1(a)(5)) for the losses resulting
6 from Donald Bickerstaff's illegal acts.

7 **SEC. 3. LIMITATION ON AGENT OR ATTORNEY FEES.**

8 No agent or attorney shall receive more than 10 per-
9 cent of any amount described in section 2 for any service
10 rendered in connection with the payment made by this
11 Act, notwithstanding any contract which provides other-
12 wise. Any person who violates this section shall be guilty
13 of an infraction and shall be subject to a fine in the
14 amount provided in title 18, United States Code.

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